

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

IN RE THE WENDY'S COMPANY) CASE NO: 1:16-cv-01153-TSB
SHAREHOLDER DERIVATIVE ACTION) JUDGE TIMOTHY S. BLACK
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NOTICE OF APPEAL

Notice is hereby given that Thomas Caracci, a plaintiff in the above named action, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Court Orders: (a) granting Plaintiff Graham's Motion to Appoint Lead Counsel and denying Plaintiff Caracci's Motion to Appoint Lead Counsel (Dkt. No. 49) entered on December 17, 2018; (b) granting Plaintiff Graham's Motion for Preliminary Approval of Derivative Litigation Settlement (Dkt. No. 72), entered on January 24, 2020; (c) granting in part and denying in part Plaintiff Caracci's Motion for Leave to Conduct Discovery (Dkt. No. 84), entered on May 19, 2021; (d) denying Plaintiff Caracci's Motion for Relief from the Mediation Privilege; (e) granting Plaintiff Graham's Motion for Settlement (Dkt. No. 101), entered on September 15, 2021; and (f) the Clerk's Judgment affirming the Order granting the Motion for Settlement (Dkt. No. 102), entered on September 24, 2021.

Dated: October 20, 2021

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Respectfully submitted,

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*Local Counsel for Plaintiff Thomas
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 20, 2021, a copy of the foregoing **NOTICE OF APPEAL** was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record registered to receive electronic service by operation of the court's electronic filing system.

s/ Richard L. Norton

Richard L. Norton